

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6214

In Re: JAMES ARTHUR BRAXTON,

Petitioner.

On Petition for Writ of Mandamus

Submitted: May 12, 2005

Decided: May 18, 2005

Before TRAXLER, KING, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

James Arthur Braxton, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

James Arthur Braxton petitions for writ of mandamus. He seeks an order directed to the Chairman of the Virginia Parole Board regarding his parole eligibility date.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re First Fed. Sav. & Loan Assn., 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). This court does not have jurisdiction to grant mandamus relief against state officials, see Gurley v. Superior Court of Mecklenburg County, 411 F.2d 586, 587 (4th Cir. 1969), and does not have jurisdiction to review state court orders, see District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983).

The relief sought by Braxton is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED